

MAR 08 2004

OFFICIAL

Petition - page 1 of 3  
10/020,407

DOCKET NO. 01-299  
FETF: 71739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MADGE, Robert

Serial No.: 10/020,407

Filed: December 12, 2001

For: METHOD OF DETECTING  
SPATIALLY CORRELATED  
VARIATIONS IN A PARAMETER  
OF AN INTEGRATED CIRCUIT  
DIE

Art Unit: 2822

Examiner: Trinh, Michael Manh

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being  
facsimile transmitted to the USPTO or deposited with  
the United States Postal Service with sufficient postage  
as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 on the date below.

March 8, 2004

  
Rhonda L. Mason

PETITION UNDER 37 C.F.R. § 1.181

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to  
withdraw the holding of abandonment in Paper No. 8 mailed on  
February 11, 2004 under MPEP § 711.03(c)(I)(700-154).

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STATEMENT OF FACTS

On May 6, 2003, a final Office Action (Paper No. 4) was mailed in which Claims 5-7 were allowed and Claims 1-4 and 8-13 were rejected.

On June 30, 2003, Applicant filed a Notice of Appeal.

On August 4, 2003, Applicant filed an Amendment "C" under 37 C.F.R. § 1.116 canceling Claims 1-4 and 8-13. A copy of the amendment and the PTO fax confirmation thereof is attached hereto.

On February 11, 2004, a Notice of Abandonment (Paper No. 8) was mailed dismissing the appeal.

On February 23, 2004, the examiner informed Applicant during a telephone conversation that Amendment "C" had not been received by the PTO.

POINTS TO BE REVIEWED

1. Because Amendment "C" under 37 C.F.R. § 1.116 was timely filed within the period for response to the final Office Action, there was no abandonment in fact.
2. Because Amendment "C" canceled the claims on appeal, the appeal process initiated by the Notice of Appeal was terminated effective August 4, 2003.
3. Because Amendment "C" canceled the claims that were rejected in the final Office Action, the response to the final Office Action was complete.

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No additional fee is believed due for this petition.

Respectfully submitted,



Eric James Whitesell

Reg. No. 38,657

encl:

- (1) copy of Amendment "C"
- (2) copy of PTO Fax Auto-Reply

Address all correspondence to:

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1551 McCarthy Blvd., MS: D-106  
Milpitas, CA 95035

Direct telephone inquiries to:

Leo J. Peters  
(408) 433-4578